

110TH CONGRESS
1ST SESSION

S. 807

To amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2007

Mrs. LINCOLN (for herself, Mr. DOMENICI, Mr. PRYOR, Mr. CHAMBLISS, Mr. GRASSLEY, Mr. CRAIG, Mr. NELSON of Nebraska, Ms. LANDRIEU, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agricultural Protection
5 and Prosperity Act of 2007”.

1 **SEC. 2. ANIMAL WASTE.**

2 (a) AMENDMENT OF SUPERFUND.—Title III of the
3 Comprehensive Environmental Response, Compensation,
4 and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is
5 amended by adding at the end the following:

6 **“SEC. 313. EXCEPTION FOR MANURE.**

7 “(a) DEFINITION OF MANURE.—In this section, the
8 term ‘manure’ means—

9 “(1) digestive emissions, feces, urine, urea, and
10 other excrement from livestock (as defined in section
11 10403 of the Farm Security and Rural Investment
12 Act of 2002 (7 U.S.C. 8302));

13 “(2) any associated bedding, compost, raw ma-
14 terials, or other materials commingled with such ex-
15 crement from livestock (as so defined);

16 “(3) any process water associated with any item
17 referred to in paragraph (1) or (2); and

18 “(4) any byproduct, constituent, or substance
19 contained in or originating from, or any emission re-
20 lating to, an item described in paragraph (1), (2), or
21 (3).

22 “(b) EXEMPTION.—Upon the date of enactment of
23 this section, manure shall not be included in the meaning
24 of—

25 “(1) the term ‘hazardous substance’, as defined
26 in section 101(14); or

1 “(2) the term ‘pollutant or contaminant’, as de-
 2 fined in section 101(33).

3 “(c) EFFECT ON OTHER LAW.—Nothing with respect
 4 to the enactment of this subsection shall—

5 “(1) impose any liability under the Emergency
 6 Planning and Community Right-To-Know Act of
 7 1986 (42 U.S.C. 11001 et seq.) with respect to ma-
 8 nure;

9 “(2) abrogate or otherwise affect any provision
 10 of the Air Quality Agreement entered into between
 11 the Administrator and operators of animal feeding
 12 operations (70 Fed. Reg. 4958 (January 31, 2005));
 13 or

14 “(3) affect the applicability of any other envi-
 15 ronmental law as such a law relates to—

16 “(A) the definition of manure; or

17 “(B) the responsibilities or liabilities of
 18 any person regarding the treatment, storage, or
 19 disposal of manure.”.

20 (b) AMENDMENT OF SARA.—Section 304(a)(4) of
 21 the Superfund Amendments and Reauthorization Act of
 22 1986 (42 U.S.C. 11004(a)(4)) is amended—

23 (1) by striking “This section” and inserting the
 24 following:

25 “(A) IN GENERAL.—This section”; and

1 (2) by adding at the end the following:

2 “(B) MANURE.—The notification require-
3 ments under this subsection do not apply to re-
4 leases associated with manure (as defined in
5 section 313 of the Comprehensive Environ-
6 mental Response, Compensation, and Liability
7 Act of 1980).”.

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